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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In Re Application Of:	§	
David A. Monroe	§	Attorney Docket No. P-121817.02.022
	§	
Serial No.: 09/143,232	§	Group Art Unit: 2615
	§	
Filed: August 28, 1998	§	Examiner: Po Lin CHIEU
	§	
Title: MULTIFUNCTION REMOTE CONTROL SYSTEM FOR	§	
AUDIO AND VIDEO RECORDING, CAPTURE, TRANSMISSION	§	
AND PLAYBACK OF FULL MOTION AND STILL IMAGES	§	

Box Response  
Commissioner of Patents and Trademarks  
Washington, D.C. 20231

**DECLARATION OF PRIOR INVENTION IN THE UNITED STATES TO OVERCOME  
CITED PATENT OR PUBLICATION  
(37 CFR RULE 1.131)**

Dear Examiner Chieu:

This declaration is to establish conception of the invention prior to February 21, 1996, which is the earliest effective filing date of the Fujita et al reference, coupled with diligence up until a reduction to practice of the invention in March of 1996.

The person making this declaration is Randall A. Hoeffler, a co-inventor of the present application.

### **FACTS AND DOCUMENTARY EVIDENCE**

Exhibit "A" is a purchase order between my employer, Phototelesis Corporation, and a parts supplier, Merlin Corporation. This purchase order illustrates the purchase of ten (10) ME-971 stand alone scan converters by Phototelesis corporation for use with an early version of the above invention. Specifically, the product purchased from Merlin Corporation was utilized with an early non-integrated embodiment of the image capture and retrieval device of the above application.

This earlier, non-integrated version of the invention was tested and found to be lacking in several areas. As a result, the invention actually claimed in the above application was conceived of to address the shortcomings of this earlier non-integrated unit. Specifically, the above testing led us to develop a lightweight, integrated image capture and retrieval system equipped with combined functionality.

This integrated version of the invention was conceived of well before the date of February 21, 1996, which is the earliest effective U.S. filing date of the Fujita et al reference. Thus, the date of the purchase order, attached as Exhibit "A", is earlier than our date of conception of the invention claimed in the above application and has been overlaid by the term "DATE". All of the events described above took place prior to February 21, 1996.

### **DILIGENCE**

The invention of the above application was further refined and improved during the subsequent period up until an actual reduction to practice of the invention in March of 1996. Exhibit "B" is an assembly drawing, dated March 18, 1996, illustrating the integrated components of the present application including the CPU (1), recorder/playback unit (upper 3), remote control unit (2) and interface unit (lower 3). To the best of my knowledge, earlier versions of this drawing were not retained and only "last edit" drawings, such as Exhibit "B", are available for attachment to this declaration.

In March of 1996, the invention of the above application was reduced to practice and tested. In fact, I personally installed the invention on an aircraft and tested it under actual flight conditions during this timeframe.

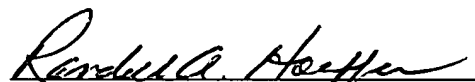
### **TIME OF PRESENTATION**

This declaration is being presented along with a formal response to office action filed in conjunction with a Request for Continued Examination, and is thus timely.

**DECLARATION**

As the person signing below:

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

 , Inventor  
Randall A. Hoeffler, Co-Inventor

Date: 2-26-03

Residence: San Antonio, Texas

Citizenship: United States

Post Office Address: 740 Lincoln Center, 7800 IH-10 West, San Antonio, Texas 78230



CERTIFICATE OF EXPRESS MAILING

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited on the date shown below with the United States Postal Service, as Express Mail Post Office to Addressee (37 CFR 1.10), Mailing Label No. EL692001465US, addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 3-3-03  
Bianca Grossweiler  
Bianca Grossweiler

**PhotoTelesis Corporation**

700 Lincoln Center  
7800 IH 10 West  
San Antonio, Texas 78230

PHONE: 210-349-2020  
FAX: 210-341-1020

PO #: 001144

PAGE NO. : 1  
PO REQUEST :  
PO DATE : DATE  
CONTACT : DAN  
PHONE : 415-856-0900  
FAX : 415-858-2302  
SHIP VIA : UPS  
FOB :  
PLACED BY : CHARLES  
DEBIT/CHRG :  
TERMS :  
REQUESTOR : RANDY  
ACCOUNT # : MERLI  
REL DOC # :

MERLIN

1888 EMBARCADERO ROAD  
PALO ALTO CA 94303

ITEM	PARTNO	REV DESCRIPTION	DATE REQ	QTY	UNIT	PRICE	TOTAL PRICE
0001	ME-971	DOWNSCAN 8			MERLIN		
	ME-971		/ /	10	EA	11412.00	114120.00

NOTES: The Terms and Conditions of Purchase and all documents are listed in the attached. All documents listed in this Purchase Order are Incorporated herein as if fully set forth in the Purchase order.

SUBTOTAL: 114120.00

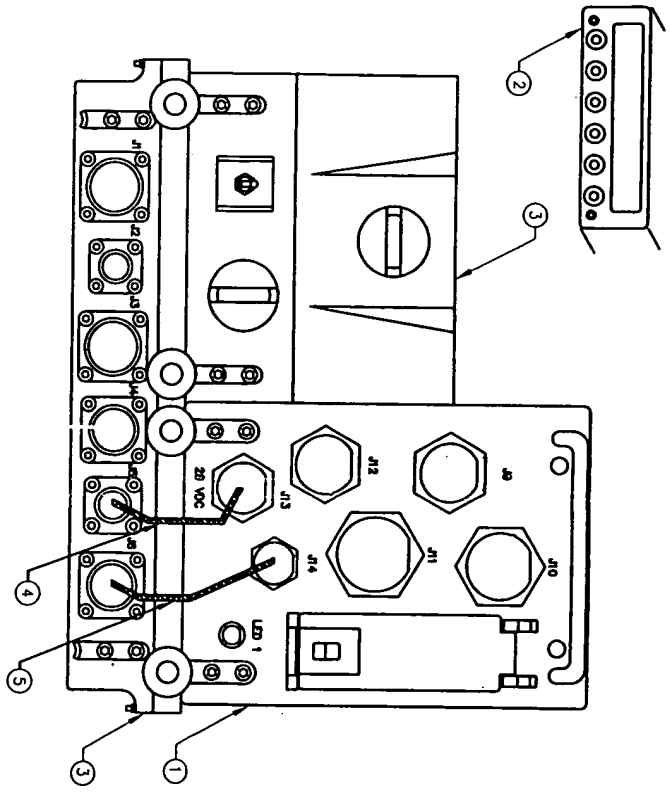
TAX: 0.00

TOTAL: 114120.00

Approved by: \_\_\_\_\_

TOTALS FOR PO NO: 001144

REVISIONS			
REV	REV. NO.	DESCRIPTION	DATE



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<b>TOP ASSY.</b> <b>AVRIT</b>			
<b>WHERE USED</b> CO	<b>MODEL</b> 490-9583-001	<b>DATE</b> 03/19/98	<b>REV.</b> A

NOTES (UNLESS OTHERWISE SPECIFIED)